

Exhibit 4

RICHARD LANG

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND-oOo-
IN RE MICROSOFT CORPORATION)
ANTITRUST LITIGATION,)
)This Document Relates to:)
) MDL Docket No. 1332
) JFM 02-CV-2090
Burst.com, Inc. v. Microsoft)
Corp,)
)Civil Action No.)
C-02-2930-VRW)
_____)VIDEOTAPED 30(b)(6) DEPOSITION OF
RICHARD LANG_____
NOVEMBER 24, 2003

Reported by: SARAH LUCIA BRANN, CER 3687 401-342290

1 9 Letter dated November 13, 2003 to 48
2 Ms. Dawson from Mr. Prater regarding
3 production from custodian Richard Lang
4 with attached fax transmittal page5 10 Letter dated November 17, 2003 to 49
6 Ms. Dawson from Mr. Prater regarding
7 production from custodian Laurent Lawton
8 with attached fax transmittal page
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- 6 DEPOSITION EXHIBITS
MARKED FOR IDENTIFICATION
- 7
- 8 1 Notice of deposition 5
- 9 2 Org charts, document numbers BURJ105228 21
through 105235
- 10
- 11 3 Letter dated November 7, 2003 to Mr. Treese ... 40
and Ms. Harris from Mr. Wecker
with attached fax transmittal page
- 12
- 13 4 Letter dated November 10, 2003 to 42
Ms. Dawson from Mr. Prater regarding
production from custodian Thomas Doney
with attached fax transmittal page
- 14
- 15 5 Letter dated November 10, 2003 to 43
Ms. Dawson from Mr. Prater regarding
production from custodian Eric Walters
with attached fax transmittal page
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- 17
- 18 6 Letter dated November 11, 2003 to 44
Ms. Dawson from Mr. Prater regarding
CD-ROMs with document production from
a Burst server with attached fax
transmittal page
- 19
- 20
- 21 7 Letter dated November 12, 2003 to 45
Ms. Dawson from Mr. Prater regarding
production from custodian Don Apodaca
with attached fax transmittal page
- 22
- 23 8 Letter dated November 13, 2003 to 46
Ms. Dawson from Mr. Prater regarding
production from custodian Eric Walters
with attached fax transmittal page
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8 Corp,)
)9 Civil Action No.)
C-02-2930-VRW)
_____)-oOo-
12 BE IT REMEMBERED that, pursuant to Notice, and
13 on Monday, November 24, 2003, commencing at 9:45 a.m.
14 thereof, at 555 California Street, 48th Floor, San
15 Francisco, California, before me, Sarah Lucia Brann, a
16 Certified Shorthand Reporter, personally appeared
17 RICHARD LANG18
19 called as a witness by the Defendant, who, having been
20 first duly sworn, was examined and testified as follows:21 -oOo-
22 SIDLEY AUSTIN BROWN & WOOD LLP, 555 California
23 Street, San Francisco, California 94104, represented by
24 BRYAN K. ANDERSON, Attorney at Law, appeared as counsel
25 on behalf of the Microsoft Corporation.

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1 (Pages 1 to 4)

Legalink San Francisco (415) 359-2040

RICHARD LANG

1 and we made copies on disk. And then the email server 09:51:19
 2 was delivered to our attorneys. 09:51:30
 3 Q. Did Mr. Walters explain to you when he 09:51:50
 4 undertook these efforts with respect to backing up the 09:51:52
 5 email server and the office server? 09:51:55
 6 A. We didn't discuss that this morning. 09:51:59
 7 Q. Had you previously discussed that? 09:52:01
 8 A. Well, we were both present when that happened, 09:52:03
 9 and that was in 2000 -- I think it was 2002. 09:52:06
 10 Q. Do you remember what month? 09:52:16
 11 A. I don't. It was shortly after the request 09:52:17
 12 from our attorneys came to us to back up those emails 09:52:19
 13 and to present them, and we did it at that time. 09:52:22
 14 Q. In your three or four other conversations -- 09:52:34
 15 well, let me stop for a second. Other than the 09:52:38
 16 discussion on the servers that you had with Mr. Walters 09:52:41
 17 this morning, did you have any other subjects you 09:52:46
 18 discussed with him concerning the examination topics in 09:52:49
 19 Exhibit 1? 09:52:57
 20 A. I asked him in a previous discussion if he 09:52:58
 21 knew of any document retention policy per se, and he did 09:53:01
 22 not. And I asked him his recollection of what happened 09:53:04
 23 to files of people who were around in the -- who were -- 09:53:14
 24 who were -- who were laid off in the last part of 2000, 09:53:24
 25 and that was it. 09:53:30

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1 Q. What did Mr. Walters have to tell you about 09:53:32
 2 his recollection of files of people laid off in 2000? 09:53:35
 3 A. That their computers were wiped and then sold, 09:53:39
 4 as far as he could remember. 09:53:42
 5 Q. How about their files that resided on the 09:53:59
 6 company servers? 09:54:03
 7 A. We didn't discuss that specifically. 09:54:04
 8 Q. Other than the procedure Burst followed to 09:54:25
 9 provide its counsel with email files, the document 09:54:28
 10 retention policy, or whether one existed, and the files 09:54:33
 11 of people laid off in late 2000, did you discuss 09:54:37
 12 anything else with Mr. Walters in preparing to testify 09:54:40
 13 on behalf of Burst with respect to topics one through 09:54:46
 14 four? 09:54:48
 15 A. Not that I recall. 09:54:49
 16 Q. And that -- that includes all of your 09:54:51
 17 conversations with Mr. Walters concerning preparing for 09:54:55
 18 this deposition. 09:54:58
 19 A. That's correct. 09:55:02
 20 Q. What did you and Ms. Erickson discuss in 09:55:04
 21 preparing for today's deposition? 09:55:09
 22 A. I never spoke with Ms. Erickson. 09:55:13
 23 Q. You reviewed Ms. Erickson's deposition? 09:55:15
 24 A. That's correct. 09:55:18
 25 Q. Do you recall the purpose of your review of 09:55:19

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1 Ms. Erickson's deposition? 09:55:20
 2 A. Yes, as a 336 -- 09:55:22
 3 MR. YORIO: 30(b)(6). 09:55:27
 4 THE WITNESS: As a 30(b)(6) witness it's my 09:55:28
 5 understanding that I had a duty to learn as much as I 09:55:32
 6 could about the subjects that I would be deposed on. I 09:55:35
 7 understood that that was a subject that she would have 09:55:38
 8 some knowledge about and that she had been asked about 09:55:41
 9 it at her deposition, and so I felt as though that was a 09:55:44
 10 source where I could learn something additional. 09:55:48
 11 MR. ANDERSON: Q. What did you learn from 09:55:52
 12 Ms. Erickson's deposition, if anything, concerning the 09:55:54
 13 topics set forth in the notice of deposition? 09:55:56
 14 A. Well, I think -- let me look at these topics 09:55:59
 15 again, to make sure which ones she addressed. 09:56:03
 16 I don't believe topic one was addressed by 09:56:09
 17 her; at least I don't remember it. I don't remember 09:56:13
 18 number two. I believe she testified that to her 09:56:16
 19 knowledge there was no document retention policy. I 09:56:20
 20 think she did testify that when employees were laid off 09:56:27
 21 in November of 2000 that their computers, their personal 09:56:32
 22 computers, were wiped, and then those computers were 09:56:37
 23 sold, sometimes to the same employees or to other 09:56:43
 24 employees. And I believe she also testified to the fact 09:56:45
 25 that there was a kind of a rolling backup of emails that 09:56:48

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1 lasted about a week. In case someone accidentally 09:56:52
 2 deleted something and they wanted to go back and get it, 09:56:57
 3 they could usually do so, if they let her know within a 09:57:00
 4 day or two. And that's the extent of what I remember 09:57:04
 5 from reading her deposition. 09:57:06
 6 Q. Do you recall whether Ms. Erickson testified 09:57:12
 7 that, prior to departing from Burst.com, she had erased 09:57:14
 8 her email files? 09:57:19
 9 A. I don't remember seeing that. 09:57:21
 10 Q. Anything else you recall from your view of 09:57:26
 11 Ms. Erickson's deposition that relates to the deposition 09:57:29
 12 topics -- 09:57:32
 13 A. No. 09:57:33
 14 Q. -- in this notice? 09:57:33
 15 A. Not that I recall. 09:57:37
 16 Q. Did you have an opportunity to review the 09:57:39
 17 deposition transcript of Mike Moskowitz in preparing for 09:57:43
 18 today's deposition? 09:57:49
 19 A. No, I did not. 09:57:50
 20 Q. As you sit here today, are you aware of 09:57:52
 21 whether or not Mr. Moskowitz testified in his deposition 09:57:54
 22 that prior to departing Burst.com he had erased his 09:57:57
 23 email files? 09:58:02
 24 A. I don't. I don't know what he said. 09:58:03
 25 Q. You mentioned that you had discussed the 09:58:11

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3 (Pages 9 to 12)